

**Filed 10/16/01 by Clerk of Supreme Court  
IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

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2001 ND 160

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Scott Stockert,

Plaintiff and Appellant

v.

Wanda Stockert,

Defendant and Appellee

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No. 20000353

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Appeal from the District Court of Stark County, Southwest Judicial District,  
the Honorable Allan L. Schmalenberger, Judge.

AFFIRMED.

Per Curiam.

Eugene F. Buresh, Ficek & Buresh, P.C., 41 1st Ave. W., P.O. Box 1224,  
Dickinson, ND 58602-1224, for defendant and appellee.

Scott Stockert (on brief), pro se, 694 9th Avenue West, Dickinson, ND 58601,  
for plaintiff and appellant.

**Stockert v. Stockert**

**No. 20000353**

**Per Curiam.**

[¶1] Scott Stockert appeals from an order denying his motion for a change of custody of the parties' child. Stockert argues the trial court erred in finding no significant change in circumstances. A party seeking modification of a custody order bears the burden of showing a significant change in circumstances. Krizan v. Krizan, 1998 ND 186, ¶ 4, 585 N.W.2d 576. A trial court's custody modification decision "is a finding of fact subject to the 'clearly erroneous' standard of review." Mosbrucker v. Mosbrucker, 1997 ND 72, ¶ 5, 562 N.W.2d 390. "Not every change in circumstances will amount to a 'significant change' warranting a change or modification of custody." Id. at ¶ 6. We conclude the trial court did not err in finding there was no significant change of circumstances requiring a change of custody. We summarily affirm under N.D.R.App.P. 35.1(a)(2).

[¶2] Gerald W. VandeWalle, C.J.  
Carol Ronning Kapsner  
Mary Muehlen Maring  
William A. Neumann  
Dale V. Sandstrom